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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/111,731	07/08/1998	YOSHINOBU SHIRAIWA	35.C12836	6151
5514	7590	06/17/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			BRIER, JEFFERY A	
			ART UNIT	PAPER NUMBER
			2672	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/111,731

Applicant(s)

SHIRAWA ET AL

Examiner

Jeffery A. Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/8/98 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on 12/06/2004 has been entered.

Response to Arguments

2. Applicant's arguments filed 12/06/2004 have been fully considered but they are not persuasive.

The arguments concerning the 112 first paragraph rejection is not persuasive because with reference to claim 1 and figure 8 applicant is attempting to claim a process that is performed by color temperature conversion matrix calculating unit 82 which does not have any corresponding description in the specification and applicant may be attempting to claim data storing unit for calculating color temperature conversion matrix 83 which does not have any corresponding description in the specification. Applicant argues that since the image is white light (XYZ tristimulus) then the XYZ stimulation values correspond to the white information of the illuminating condition. However, white light is converted by the color temperature converting unit 81 but the type of data from data storing unit 83 supplied to color temperature conversion matrix calculating unit 82 is not specified by the originally filed specification. Therefore, it would not be proper to claim to use the XYZ image values as the basis for generating a second conversion condition (CT) when figures 8 and 9 clearly show the XYZ values are not applied to color temperature conversion matrix calculating unit 82.

The amendments to claims 1, 8, and 9 differentiates these claims in a 102 sense from Hidaka et al., EP 0 767 445 A2.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

color temperature conversion matrix calculating unit 82; and

data storing unit for calculating color temperature conversion matrix 83.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:
- the specification does not describe the conversion preformed in color temperature conversion matrix calculating unit 82; and
- the specification does not describe the data stored in data storing unit for calculating color temperature conversion matrix 83.
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:
- The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
6. Claims 1, 3-9 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed limitation generating a second conversion condition based on white information of the first illuminating light and white information of the second illuminating light found at lines 14-15 of claim 1 and argued to be describe on pages 19 line 10 is not taught by the application as filed.

Applicant in the 12/06/2004 arguments alleges the white information is supported by the XYZ image information. The second conversion condition could be claiming the value CT generated by color temperature conversion matrix calculating unit 82 with data from light characteristic coefficient instructing unit 64 and with data from data storing unit for calculating color temperature conversion matrix 83. It is clear the data from light characteristic coefficient instructing unit 64 is not white information and the specification does not describe what kind data is supplied from data storing unit for calculating color temperature conversion matrix 83. Since the image formed by XYZ (argued white light) is converted by the color temperature converting unit 81, since color temperature information is supplied by 64, and since the type of data from data storing unit 83 supplied to color temperature conversion matrix calculating unit 82 is not specified by the originally filed specification then it would not be proper to claim to use the XYZ image values as the basis for generating a second condition (CT) when figures 8 and 9 clearly show the XYZ values are not applied to color temperature conversion matrix calculating unit 82. Therefore, the claimed generating a second conversion condition based on white information of the first illuminating light and white information of the second illuminating light is not supported by the color temperature conversion matrix calculating unit 82 illustrated in figures 8 and 9 but not described in the specification of the application and it is not supported for failure of the application to discuss the broader claim limitation of white information.

The examiner previously stated the claimed white information appears to correspond to color temperature, see the 9/11/02 and the 12/23/03 amendments to

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claims 1, 8 and 9. The color temperature is only described as being generated for the second illuminating light, see page 18 line 21 to page 19 line 5, page 27 lines 6-23, page 29 line 24 to page 30 line 23, page 36 lines 3-9, page 39 lines 21-25, page 41 line 26 to page 42 line 3, page 43 lines 11-22, page 45 lines 7-14, page 47 lines 1-12, and page 47 line 21 to page 48 line 3. Note page 19 lines 11-16 which discusses an arbitrary color temperature but does not discuss a color temperature based on first illuminating light and second illuminating light. Therefore, the claimed generating a second conversion condition based on white information of the first illuminating light and white information of the second illuminating light is not supported by the color temperature of the application and it is not supported for failure of the application to discuss the broader claim limitation of white information.

In either case the specification does not support the claimed invention.

Claim Objections

7. Claim 9 is objected to because of the following informalities: claim 9 claims in the preamble A computer readable recording medium storing a program for converting data dependent on a first illuminating light into data dependent on a second illuminating light, said program comprising the steps of:. The form of this claim is not proper because a program by itself does not perform steps. A program causes a computer to perform the steps. These claims cover a computer book or program listing with programs that perform the claimed functions. This is copyrightable intellectual property. The claimed computer readable medium is not an integral part of a computer performing the claimed functions.

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These claims need to manifest in alignment with the specification a computer readable medium storing computer readable instructions, said computer readable instructions causing a computer to perform the steps of :. Appropriate correction is required.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

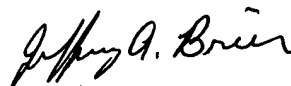
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:00 to 3:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffery A Brier
Primary Examiner
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